

City of San José, California

CITY COUNCIL POLICY

TITLE	PAGE 1 of 2	POLICY NUMBER 6-11
DESIGN CRITERIA FOR CONVERSION OF RESIDENTIAL STRUCTURES TO NON-RESIDENTIAL USES	EFFECTIVE DATE 4/1/1980	REVISED DATE
APPROVED BY Council Approved – April 1, 1980		

BACKGROUND

Over the years, there have been a number of legal and illegal conversions of residential structures to non-residential uses. There are several neighborhoods in the City where conversion has taken place extensively on a block by block basis. The result has often been disruptive from an urban design sense: parking lots have replaced front lawns; houses have been remodeled unprofessionally, resulting in structures with incoherent design elements; signage has often been out of proportion to the structure and use advertised. It became apparent that a set of design standards are needed to better control the transition of residential structures to commercial uses.

PURPOSE

The design policies are applied to the City's review of residential structures which are under application for a Conditional Use Permit for a conversion of a residential structure to non-residential uses (Note: the conversion may also be addressed as part of the Planned Development Permit Application). The design criteria provide a tool for the City to promote orderly development of individual properties and neighborhoods.

It is the City's intention to preserve the City's existing housing stock and to discourage the use conversion of residential structures.

POLICY

Use Compatibility

1. Non-residential uses permitted in residential neighborhoods must conform to the Zoning Ordinance and must conform to the General Plan. Such uses have to conform to the same use and design standards as are applied to commercial uses in commercial neighborhoods, and also should have the following characteristics:
 - a. The new use should be compatible with the residential structure. Generally, light office uses and small neighborhood services are compatible with converted houses.

- b. The new use should be compatible with the adjoining neighborhood and should not pose nuisance problems with nearby residential and/or office uses. Business hours should be limited to normal daytime business hours.

Circulation Parking

1. Vehicular circulation must take place on site; backing into the street is not allowed.
2. When possible, parking should be placed in the rear of the structure. When parking must be placed in the front of the structure, parking areas must be kept out of the front fifteen (15) feet of the property and should not exceed 50% of the front setback area.

Occupancy

1. New occupancies in converted houses should be limited to one business enterprise (with one business entrance) for structures under 2,000 square feet of gross leasable area. This will help eliminate overcrowding, proliferation of signs, elimination of landscaping, excessive on-site parking and parking overflow onto the street.

Landscaping

1. Landscaping must be installed in areas not designated for parking and circulation.
2. Parking areas must have edge landscaping and be screened from public view.

Architecture

1. The conversion's remodeling should be architecturally compatible with the neighborhood and must upgrade or at least be consistent with the basic architecture of the structure.
2. Signs should be consistent with the form and materials of the building. Illuminated signs are not permitted when adjacent to existing resident uses. Signs must be limited to one per business, may not exceed four (4) square feet in size, and must be attached to the structure. Window signs are not allowed.

TITLE	PAGE	POLICY NUMBER
DESIGN CRITERIA FOR CONVERSION OF RESIDENTIAL STRUCTURES TO NON-RESIDENTIAL USES	2 of 2	6-11

3. Mechanical equipment must be screened from public view and sited so as not to cause noise impacts on adjacent properties.
4. Trash and garbage enclosures must be provided in rear yard areas.

NOTE: This criteria is a general guide and should not be construed as a complete checklist of requirements for each individual site. It should be noted that compliance with this criteria does not guarantee project approval.